

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**March 28 – April 1, 2005**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
3-28	EX	76255593	Quorum International, L.P.	Walters Holtzman* Drost	whether applicant's mark is registrable under Section 2(f)	Refusal Affirmed		"CRISTAL" [lighting fixtures, namely, chandeliers and wall sconces and the ceiling mounts, wall mounts, and light kits, namely, electric lighting fixtures for attachment to ceiling fans, lamps and lampshades and electrical torches]		McBride	No
3-28	EX	78277280	Novak Jody Limited Liability Company	Hohein Chapman* Holtzman	2(d); whether applicant has complied with the request for information under Rule 2.61(b)	Refusal Affirmed, but on 2(d) ground only		"POD" [advertising services, namely, dissemination of advertising for others via an electronic communication network]	"THE POD" [online shopping services featuring a wide variety of consumer goods; advertising and promotional services for others in the nature of dissemination of advertisements and promotions via online electronic communications and multi-user global communication networks; providing comparative shopping information via online electronic communications and multi-user global communication networks; market research and analysis services for others]	Pino	No

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3-28	EX	78271067	South-western Management, Inc.	Hanak* Walters Bottorff	2(d)	Refusal Reversed		"DELMONICO'S" [restaurant services]	2 cited registrations, owned by different entities: "DELMONICO" [macaroni, spaghetti, and egg noodles] and "DELMONICO" [alimentary pastes]	Kon	No
3-29	OPP (SJ)	91159160	International Exhibitions, Inc. v. A.S.P. Inc.	Hohein Bucher Holtzman [Opinion "By the Board" (Cataldo)]	2(d)	Opposition Dismissed (applicant's motion for summary judgment granted)	"FORT WORTH HOME & GARDEN SHOW," "DALLAS HOME & GARDEN SHOW," "TEXAS HOME & GARDEN SHOW," and "HOUSTON HOME SHOW" [all four marks for promoting and conducting trade shows and expositions at which products and services for the home and yard are displayed and sold (or similar services)]; "VACATION LEISURE & OUTDOOR SHOW BY IEF" (and design) [promoting and conducting trade shows and exhibitions in the field of sports vacations, leisure sports and outdoor sports]; "TEXAS HOME & GARDEN LIVING" [magazines relating to home and garden matters]	"BUILDING A BETTER HOME SHOW" [arranging and conducting trade shows in the field of home and garden products and services]			No

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3-30	OPP	91112834	C & D Detergents, Inc. v. Spraytec Systems, L.L.C.	Walters Rogers Drost*	2(d)	Opposition Sustained	"XTRA" [laundry detergent]	"EXTRA" [all purpose hard surface cleaning preparations, namely, solutions and concentrates thereof provided in packaging receivable by spray bottle and into which said solutions and concentrates are released as needed for dispensing therefrom]			No
3-30	OPP	91154495	Life Extension Foundation, Inc. v. Nutra-ceutical Sciences Institute	Quinn Hohein* Walters	2(d)	Opposition Dismissed, but application remanded for determination of whether applicant has made bona fide use of mark in commerce	"LEF" [providing nutritional and dietary supplements, nutritional counseling services and magazines, brochures and leaflets]	"LEF" [nutritional supplements]			No
3-30	EX	76428061	Hoist Fitness Systems, Inc.	Hairston Walters Drost*	2(d)	Refusal Reversed		"QUIK-CHANGE" [exercise equipment, namely, a dumbbell system with a handle, weights, and a stand]	"KWIK CHANGE" (in slightly stylized lettering) [sports equipment, namely, soccer goal that has adjustable crossbar so that goal size can be reduced or enlarged]	Bush	No

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3-30	EX EX	78165757 78165762	Standard Water Control Systems, Inc.	Hairston Chapman Drost*	whether the marks, as used in applicant's specimens, identify the services recited in the applications and are, therefore, capable of registration on the Supplemental Register	Refusal Affirmed in both cases		"SEAMLESS DISCHARGE SYSTEM" and "SUPERIOR SUMP SYSTEM" [both marks for installing, maintaining, and repairing foundation drainage systems of basement floors, and sump pumps]		Perkins	No
3-30	EX	76298884	Haraeus Kulzer GmbH & Co. KG	Quinn Hairston* Chapman	2(d)	Refusal Reversed		"CRONO" (and design) [dental impression materials and dental alginates]	"KRONOS" [dental instruments, namely, drills and burrs]	Hickey	No
3-31	OPP	91157829	Sleepcare, Inc. v. Sleepco, Inc.	Hohein* Bucher Drost	2(d)	Opposition Dismissed	"SLEEP CARE" [trade name and trademark for mattresses and box springs]	"THE SLEEP CARE PLACE - PRODUCTS TO HELP YOU SLEEP" (and design) [retail store services, on-line retail store services, catalog and mail order services and mall kiosk retail services, all featuring products designed, created or formulated to help people sleep]			No

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3-31	EX	76365791	Mesh-Networks, Inc.	Chapman Bucher* Holtzman	2(d)	Refusal Affirmed		“MESHNETWORKS” [wireless broadband services, namely, providing voice, data, streaming media, and geolocation via wireless means such as personal digital assistants, personal computers, and cellular telephones]	“MESHNET” [integrated voice communication and information distribution networks in the field of voice and data transmission between vehicles, within vehicles and between vehicles and ground stations, comprising transmitters, receivers, processors and computer software; data and voice telecommunications services, namely, the transmission of integrated voice and data information via fiber optic cable, telephone, and wireless means; design for others of integrated voice communications and data information distribution systems comprised of a user controlled device, a vehicle access unit, a portable data terminal, and network management software]	Madden	No

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3-31	OPP (SJ)	91156211	Hancor, Inc. v. Mollewood Export, Inc.	Hohein Bucher Chapman [Opinion "By the Board" (Kuhlke)]	2(d); whether the untimely evidence submitted by opposer in support of its case can be considered	Opposition Dismissed (applicant's motion for summary judgment granted)	"SURE-LOK" [plastic corrugated pipe and tubing with smooth interior using an integral bell coupler for drainage systems, storm sewers, and sanitary sewers]	"SURE-LOK" [collapsible containers made from processed wood materials utilizing a metal clip for use in the automotive parts industry]			No
3-31	EX	76306141	High-Heeled Creations, LLC	Bucher Holtzman* Drost	2(e)(1)	Refusal Affirmed		"HIGH-HEELED HANDBAGS" [goods manufactured of leather and imitations of leather, namely, purses, change purses, handbags, wallets, and pocketbooks]		Saunders	No
3-31	EX	76467337	Vudo, Inc.	Hohein* Chapman Holtzman	2(d)	Refusal Affirmed		"LILY'S BAKERY" (and design) [cake]	"LILY BAKERY" (and design) [cakes, sponge rusk, cup cakes, mini cakes, pastries, and crackers]	Dubois	No
3-31	EX	76230196	Gibson Guitar Corp.	Seeherman Hohein Bucher*	2(d)	Refusal Affirmed as to all six cited registrations		"LP" [stringed musical instruments, namely, electric guitars]	<i>six cited registrations, all owned by the same entity:</i> "LP LATIN PERCUSSION" (and design), "LP" (and design), "LP MUSIC COLLECTION" (and design), "LP ASPIRE," "LP" (and design), and "LP RHYTHMIX" (and design) [all six marks for percussion musical instruments]	Pappas	No

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3-31	OPP OPP	91120712 91121447	The Sea Island Company v. Kroehler Corporation and American Signature, Inc.	Seeherman Quinn Walters*	2(d); 2(e)(3), as to the AMERICAN SIGNATURE SEA ISLAND COLLECTION mark	Opposition Dismissed in both cases	“SEA ISLAND BEACH CLUB” [snack bar services, restaurant and cocktail lounge services, and retail gift shop services], “SEA ISLAND BEACH CLUB” (and design) [resort services, namely, beach club and swimming club services and beauty care, spa and health club services]; <i>and a number of other marks comprising or incorporating the term “SEA ISLAND” [a wide range of goods and services, including personal care products and toiletries, restaurant and bar services, yacht club and marina services, real estate brokerage and management services, retail florist services, resort hotel services, educational services in a variety of fields, garage and auto repair services, laundry and dry cleaning services, landscaping services, construction of resort homes and condominiums, golf clubs, etc.]</i>	“SEA ISLAND COLLECTION” [ <i>a wide variety of</i> furniture and home and office furnishings; retail furniture store services and electronic retail of furniture using a global computer and/or communications network] <i>and</i> “AMERICAN SIGNATURE SEA ISLAND COLLECTION” [ <i>a wide variety of</i> furniture and home and office furnishings; retail furniture store services and computerized on-line retail furniture store services]			No

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3-31	OPP	91110983	Worldwide Golf Enterprises, Inc. v. Pintracker Golf, Inc.	Chapman Holtzman* Rogers	2(d)	Opposition Sustained	"PINSEEKER" (and design) [golf clubs, golf balls, golf bags, golf bag covers and golf club wood head covers]	"PINTRACKER" [golf clubs]			No

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